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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,536	07/29/2003	Christopher Hall	81044209	1535
28395 7590 07/31/2008 BROOKS KUSHMAN P.C./FGL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238				
EXAMINER				
SEE, CAROL A				
ART UNIT		PAPER NUMBER		
3696				
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07/31/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/604,536

Applicant(s)

HALL ET AL.

Examiner

Carol See

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 35-39 and 41 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13, 35-39 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In response to Applicant's Arguments/Remarks (dated 6/13/2008) with respect to claims 1-9, 11-13, 35-39 and 41 – regarding the recitation “receiving a future interest in a vehicle by a vehicle financing company,” Examiner has considered Applicant's arguments and finds them to be persuasive. Accordingly, the finality of the rejection of the last Office action (dated 4/15/2008) is withdrawn.

Response to Amendment

2. Applicant's Arguments/Remarks (dated 6/13/2008) and amendments have overcome the following rejection(s) under 35 USC 112:

(1) Rejection of claims 1, 3, 10, 11, 35, 39 and 41 - the use of "legal title term" renders the claim indefinite. Applicant's arguments have been considered and are persuasive; accordingly, this rejection is withdrawn.

(2) With respect to rejection of claim 8, Applicant's amendment (deletion of "about") renders that rejection moot; accordingly, the rejection is withdrawn.

(3) Applicant has cancelled claim 10, rendering that rejection moot; accordingly, the rejection is withdrawn.

(4) With respect to claims 2, 8 and 9, Applicant's amendment (deleting "value" and adding "ratio") overcomes the rejection; accordingly, the rejection is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-5, 11-13 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gill et al. (U.S. 4,736,294) (hereinafter Gill) in view of LaCombe, Jr. et al. (U.S. 2005/0289036)(hereinafter LaCombe) and further in view of Eckhouse (Lease is More, VARbusiness, 1991). Upon review, examiner has determined that the invention disclosed in LaCombe is supported by the nonprovisional application (Application No. 09/718,749 filed on November 22, 2000) to which LaCombe claims priority. Accordingly, the disclosure of LaCombe antedates applicant's claimed invention.

As to claim 1, Gill shows a method for providing financing by a vehicle financing company for acquisition of a vehicle by a vehicle consumer, the method comprising:

and the vehicle financing company providing financing to the vehicle consumer for the legal title price of the vehicle (col. 1, line 25 through col. 2, line 51, showing vehicle financing, payment of a price for a term to possess the vehicle, and financing entity retaining interest because vehicle may be returned at term end).

Gill does not specifically show receiving a future interest in a vehicle by a vehicle financing company in consideration for a future interest price upon transfer of a legal title in the vehicle to a vehicle consumer in consideration for a legal title price for a legal

title term, the legal title price being an amount of money paid for a present possessory interest in the vehicle.

Lacombe teaches a vehicle financing company receiving a future interest in a vehicle for a future interest price (\$10007) upon a lease transaction.

It would have been obvious to one of ordinary skill in the art to include in the vehicle financing method of Gill the further financing system as taught by LaCombe since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Gill in view of LaCombe does not specifically show title passing with initial transaction.

Eckhouse teaches transfer of title upon lease inception (pg. 4).

It would have been obvious to one of ordinary skill in the art to include in the vehicle financing method of Gill in view LaCombe the title passing as taught by Eckhouse since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As to claim 2, Gill in view of LaCombe and further in view of Eckhouse shows all elements of claim 1. Gill further shows identification and arithmetic manipulation of variables associated with vehicle financing (Figs. 4, 5).

Although Gill in view of LaCombe and further in view of Eckhouse does not specifically show manipulating the terms (legal title price and future interest price) as presented above, it would have been obvious to one of ordinary skill in the art to have modified the invention, as a matter of design choice, to determine which variables to further manipulate depending on the information desired.

As to claim 4, Gill in view of LaCombe and further in view of Eckhouse shows the method of claim 1. Gill further shows future interest is a reversionary interest or a remainder (col. 4, lines 3-5, showing alternative of return of vehicle to financing entity – i.e., a reversionary interest).

As to claim 5, Gill in view of LaCombe and further in view of Eckhouse shows the method of claim 1. Gill further shows a receiving step accomplished at least partially by utilizing an at least one computer and an at least one computer network (col. 2, lines 8-26, showing administration of an entire financial transaction on computer).

As to claim 8, Gill in view of LaCombe and further in view of Eckhouse shows all elements of claim 2.

The recitation “wherein the present future interest ratio is in a range of 3:1 to 2:3” is not afforded patentable weight because the clause merely sets forth an expected or desired result of the method step. Further, applicant has not set forth in the specification the criticality of this particular range.

As to claim 9, Gill in view of LaCombe and further in view of Eckhouse shows all elements of claim 2. LaCombe further shows wherein the present/future interest ratio is based on one or more of the following factors: a consumer trade-in of an existing vehicle, a residual value of the vehicle, or dealer promotions (¶0037, showing residual

value as part of insurance to be paid for which contributes to vehicle pricing).

As to claim 11, Gill in view of LaCombe and further in view of Eckhouse shows the method of claim 1. Gill further shows wherein the legal title term is in the range of one year to six years (col. 2, lines 46-50 and col. 3, lines 34-41).

As to claim 12, Gill in view of LaCombe and further in view of Eckhouse shows the method of claim 1. Gill further shows a future interest vesting upon expiration of a vesting period (col. 5, lines 32 – 36, showing arrival of date where vehicle may be returned to financing entity).

As to claim 13, Gill in view of LaCombe and further in view of Eckhouse shows the method of claim 1. Gill further shows receiving a financed legal title price through a number of periodic payments (col. 4, lines 10-24).

The limitations of claim 35 parallel the limitations of claim 1 as set forth above and are rejected under the same rationale.

As to claim 36, Gill in view of LaCombe and further in view of Eckhouse shows the method of claim 35. Gill further shows personal property selected from the group consisting of: a tangible personal property and an intangible personal property (col. 3, lines 25-33, showing tangible property).

As to claims 37 and 38, Gill in view of LaCombe and further in view of Eckhouse shows the method of claim 35. Gill further shows wherein the personal property is a good and a vehicle (col. 3, lines 27).

Although the cited reference addresses the claim language, Examiner notes that the recitations of personal property as a “good” and as a “vehicle” constitute nonfunctional descriptive material that does not further limit the claimed invention. Accordingly, this

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recitation is afforded little patentable weight. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983).

5. Claims 3, 6, 7 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gill and LaCombe in view Eckhouse and further in view of Reynolds et al. (U.S. 7,024,373).

As to claim 3, Gill in view of LaCombe and further in view of Eckhouse shows the method of claim 1. Gill further shows transferring the future interest to the vehicle consumer so that the vehicle consumer receives the future interest and unrestricted legal title in the vehicle ((col. 5, lines 40-45, showing closing out loan because purchaser is keeping the vehicle).

Gill in view of LaCombe and further in view of Eckhouse does not specifically show receiving at or near the end of the legal title term an unrestricted legal title.

Reynolds teaches receiving unrestricted legal title in the vehicle (col. 10, lines 40-45).

It would have been obvious to one of ordinary skill in the art to have combined the invention of Gill in view of LaCombe and further in view of Eckhouse with the teaching of Reynolds in order to provide a tangible representation of ownership.

As to claim 6, Gill in view of LaCombe and further in view of Eckhouse shows the method of claim 1.

Gill in view of LaCombe and further in view of Eckhouse does not specifically show a vehicle dealer transferring the vehicle to the vehicle consumer.

Reynolds teaches a vehicle dealer transferring a vehicle (col. 3, lines 16-21 and col. 9, lines 6-16).

It would have been obvious to one of ordinary skill in the art to have combined the invention of Gill in view of LaCombe and further in view of Eckhouse with the teaching of Reynolds in order to provide the vehicle to the consumer.

As to claim 7, Gill in view of LaCombe and further in view of Eckhouse shows all elements of claim 1. Gill further shows closing out a loan because purchaser is keeping a vehicle and paying for it (col. 5, lines 40-45).

Gill in view of LaCombe and further in view of Eckhouse does not specifically show the vehicle consumer receiving the legal title in the vehicle.

Reynolds teaches the vehicle consumer receiving the legal title in the vehicle (col. 10, lines 23-45).

It would have been obvious to one of ordinary skill in the art to have combined the invention of Gill in view of LaCombe and further in view of Eckhouse with the teaching of Reynolds in order to provide a tangible representation of ownership.

The limitations of claim 39 parallel the limitations of claim 3 as set forth above and are therefore rejected under the same rationale.

6. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gill in view of LaCombe.

As to claim 41, Gill shows a method for providing financing by a vehicle financing company for acquisition of a vehicle by a vehicle consumer, the method comprising:

the future interest being a reversionary interest or a remainder (col. 4, lines 3-5, showing alternative of return of vehicle to financing entity – i.e., a reversionary interest);

determining a present/future interest ratio representing the value of the legal title price to the future interest price (col. 2, lines 7-26 and col. 3, lines 31-45, showing

determining loan payment amount for a term and amount to be paid if purchaser retains the vehicle at the end of term. Gill further shows identification and arithmetic manipulation of variables associated with vehicle financing); and

receiving the financed legal title price through a number of periodic payments (col. 4, lines 10-24).

Gill does not specifically show manipulating the terms as presented above with respect to present/future ratio. It would have been obvious to one of ordinary skill in the art to have modified the invention of Gill, as a matter of design choice, to determine which variables to further manipulate depending on the information desired.

Further, Gill does not specifically show receiving a future interest in a vehicle by a vehicle financing company in consideration for a future interest price upon transfer of a legal title in the vehicle to a vehicle consumer in consideration for a legal title price for a legal title term, the legal title price being an amount of money paid for a present possessory interest in the vehicle.

Lacombe teaches a vehicle financing company receiving a future interest in a vehicle for a future interest price (\$10007) upon a lease transaction.

It would have been obvious to one of ordinary skill in the art to include in the vehicle financing method of Gill the further financing system as taught by LaCombe since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol See whose telephone number is (571)272-9742. The examiner can normally be reached on Monday - Thursday 6:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon, can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

Carol See
Patent Examiner
Art Unit 3696